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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,641	01/22/2002	Bernard A. Traversat	5681-07200	9403

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EXAMINER

NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/055,641

Applicant(s)

TRAVERSAT ET AL.

Examiner

Phuoc H. Nguyen

Art Unit

2143

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 1-47, 86-146 and 160-193.
Claim(s) objected to: None.
Claim(s) rejected: 48-85, 147-159 and 194-203.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


JEFFREY PWU
PRIMARY EXAMINER

Applicant argued on page 62 of remark with respect to claim 48 stated that Dutta does not teach "a rendezvous node, comprising a processor, a port operable to couple the peer node to a network, and a memory operable to store program instructions, wherein the program instruction are executable by the processor to communicate with one or more peer nodes on a peer-to-peer network and cache one or more resource advertisement for network resource advertisements comprises an indication of how to access the corresponding network resource, wherein said resource advertisements are discoverable by said one or more peer nodes". The examiner does not agree for the following reason: According to Dutta the rendezvous nodes is the root nodes and each nodes in Dutta's reference is depicts a typical computer architecture of a processing system in which comprise a processor, network port, and a memory refer to Figure 1B or paragraph [0028], Dutta's further disclose a peer-to-peer network that support a file sharing in with any user or node that established the connection with the root nodes and would like to share file in the peer-to-peer network it will export or share such as file list (e.g. resource advertisement) to the root node (refer to paragraph [0039]) and when anyone of user or node would like to query (e.g. discoverable) for a particular file the root node will perform searching it database for a particular and if the particular file is exist it will response to query by providing the address and port number of the responding node (paragraph [0046]) (e.g. in which is equivalent to an indication how to access the the corresponding network resource).

Applicant argued on page 63 of remark with respect to claim 49 stated that Dutta does not teach "the program instructions are further executable to communicate with one or more other rendezvous nodes on the peer-to-peer network". The examiner does not agree for the following reason: According to Dutta when the root node (e.g. rendezvous node) is received a search request it capable of forwarding the query message to each node in its list of connected peer nodes furthermore Dutta define that the set of nodes to which a particular node connects may be termed the root nodes (e.g. rendezvous node) of the particular node (refer to paragraphs [0039-0041]).

Applicant argued on page 64 of remark with respect to claims 51 and 52 stated that Dutta does not teach "each resource advertisement comprises an identifier for and communication address for corresponding network resource; and each of the one or more of said resource advertisements comprises a security credential for authenticating the corresponding network resource". The examiner does not agree for the following reason: Dutta teaches each resource advertisement comprises an identifier for (e.g. name of file) and communication address for corresponding network resource (paragraph [0046]); each of the one or more of said resource advertisements comprises a security credential for authenticating the corresponding network resource (pagagraphs [0053 and 0055]).

Applicant argued on page 65 of remark with respect to claim 54 stated that Dutta does not teach "each peer group comprises one or more of the peer nodes, wherein the resource advertisements include a peer group advertisement for each of said one or more peer groups, wherein each peer group advertisement further comprises an identifier for the corresponding peer group and information how to join the peer group". The examiner does not agree for the following reason: Dutta teaches each peer group comprises one or more of the peer nodes (Figure 4 discloses peer group R1 420 contain peer nodes P1-P4) and the resource advertisements include a peer group advertisement for each of said one or more peer groups, wherein each peer group advertisement further comprises an identifier for the corresponding peer group and information how to join the peer group [0081, 0082, 0086].

Applicant argued on page 65 of remark with respect to claims 55, 57, and 58 stated that Dutta does not teach "the resource advertisements comprise a peer advertisement for each of said one or more peer nodes, wherein each peer advertisement comprises an identifier for the corresponding peer node". The examiner does not agree for the following reason: Dutta teaches each peer node provide the share file list (e.g. resource advertisement) with other peer by providing identifier such as the address and port number corresponding to peer nodes (paragraph [0046]).

Applicant argued on page 66 of remark with respect to claim 56 stated that Dutta does not teach "wherein the network resources including one or more services each provided by one or more of the peer nodes, wherein the resource advertisements comprise a service advertisement for each of said plurality of services, wherein each service advertisement comprises an identifier for the corresponding service". The examiner does not agree for the following reason: Dutta teaches each peer node in peer group providing service such as file sharing to other peer nodes by which providing the address of the peer node of providing services (paragraphs [0039] and [0046]).

Applicant argued on page 67 of remark with respect to claim 63 stated that Dutta does not teach "the one or more resource advertisements each comprise a time-to-live indicator". The examiner does not agree for the following reason: Dutta teaches each peer node capable of sharing resource advertisement by providing a file list to the root node which provide other peer node an indication that the shared peer node is available (e.g. time-to-live indicator) for sharing it resource to other peers node.

Applicant argued on page 68 of remark with respect to claim 64 stated that Dutta does not teach "the program instructions are executable to join a peer group, wherein the peer group comprises a plurality of peer nodes sharing network resource, wherein, upon joining the peer group, the rendezvous node is accessible by the one or more peer nodes within the peer group to discover network resources within the peer group". The examiner does not agree for the following reason: Dutta figure 5C teaches root nodes R1-R3 joined the registered root node (e.g. peer group) in which peer group comprises a plurality of peer nodes (e.g. peer nodes P1-P5) sharing network resource such as provide the sharing network resource, wherein the root node R1 (e.g. rendezvous node) is accessible to peer nodes P1-P5 (Figure 5C; pagagraph [0081]).

Applicant argued on page 68 of remark with respect to claim 65 stated that Dutta does not teach "upon joining the peer group, the rendezvous node is not accessible by peer nodes not in the peer group". The examiner does not agree for the following reason: Dutta figure 4 teaches upon joining the peer group (e.g. registered root nodes), the rendezvous node (e.g. root node) is not accessible by peer nodes not in the peer group for instance if one of the root node is not register with the registered root nodes it will act as it own separate entity therefore the peer nodes not within the peer group is not accessible to the root node.

Applicant argued on page 69 of remark with respect to claim 66 stated that Dutta does not teach "the program instructions are further executable to discovery routes to network resource and communicated said routes to one or more peer nodes on the peer-to-peer network". Dutta teaches discovery routes to network resource and communicated said routes to one or more peer nodes on the peer-to-peer network [0081].


Applicant argued on page 69 of remark with respect to claim 67 stated that Dutta does not teach "each of one or more peer nodes on the peer-to-peer network at startup of the particular peer node to aid the particular peer node in discovering network resources that the particular peer node requires". Dutta teaches the method to which nodes in peer-to-peer network connect with each other may vary with type of peer-to-peer network, on type is that client obtain a dynamic IP address by an ISP through which it manually enters either a domain or an IP address; however, Dutta also discloses other type of peer-to-peer network connection implementation it is well know in the art that once you are connected to the Internet you can launch the utility and you are then logged into a central indexing server. This central server indexes all users who are currently online connected to the server. The peer-to-peer client will contain an area where you can search for a specific file, when match is found the central server will tell you where to find the requested file. You can then choose a

result from the search query and your utility when then attempt to establish a connection with the computer hosting the file you have requested (see paragraph [0052]), hence Dutta teaches a central server where the client peer node performed search request for resources available from others client peer nodes.

Applicant argued on page 70 of remark with respect to claims 68, 153, and 200 stated that Dutta does not teach "receive one or more discovery queries for discovering said network resources, wherein the discovery queries are formatted in accordance with discovery protocol; determine if a resource advertisement satisfying a particular one of the one or more discovery queries is cached on the particular rendezvous node; and if the resource advertisement rendezvous node, provide the resource advertisement to peer node that broadcast the particular discovery query". The examiner does not agree for the following reason: Refer to figure 4, client sends the search query (e.g. discovery queries) request to the search engine, and client sends the search query in an appropriate format to server (paragraph [0051]), determine if a resource advertisement satisfying a particular one of the one or more discovery queries is cached on the particular rendezvous node (paragraph [0052]); and if the resource advertisement rendezvous node, provide the resource advertisement to peer node that broadcast the particular discovery query (paragraphs [0046 0059, 0062]).

Applicant argued on page 71 of remark with respect to claims 69, 154, and 201 stated that Dutta does not teach "the program instructions are further executable to forward each of the one or more discovery queries to one or more other rendezvous nodes on the peer-to-peer network if the resource advertisement satisfying the particular discovery query is not cached on the rendezvous node". The examiner does not agree for the following reason: Dutta teaches search engine capable of forwarding the search query to the root nodes (e.g. rendezvous nodes) to perform a query searching (paragraphs [0057, 0058]).

Applicant argued on page 73 of remark with respect to claim 71 stated that Dutta does not teach "the discovery queries each comprise a security credential, wherein the program instructions are further executable to use the security credential to authenticate a peer node sending the particular discovery query". The examiner does not agree for the following reason: Dutta teaches the peer-to-peer search process (e.g. discovery query) the registered root node has to provide the personal information (paragraph [0052-0055]).



JEFFREY PWU
PRIMARY EXAMINER